

Douglas R. Schwartz (State Bar #98666)  
Scott R. Lovernick (State Bar #233755)  
SCHWARTZ & CERA LLP  
44 Montgomery Street, Suite 3850  
San Francisco, California 94104  
Telephone: (415) 956-2600  
Facsimile: (415) 438-2655

Attorneys for  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
Attorneys for Third Party Respondent

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

NETWORK APPLIANCE, INC.,  
Plaintiff-Counterclaim Defendant,

vs.

SUN MICROSYSTEMS, INC.,  
Defendant-Counterclaimant.

Case Number: 3:07-CV-06053 EDL (JCS )

**PROOF OF SERVICE**

**Date: TBD  
Time: TBD  
Courtroom: E, 15<sup>th</sup> Floor  
Hon. Elizabeth D. Laporte**

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over eighteen (18) years of age and not a party to the above-entitled action. My business address is 44 Montgomery Street, Suite 3850, San Francisco, CA 94104. On the date below, I served the following documents:

- 1. THIRD PARTY RESPONDENT ORRICK HERRINGTON & SUTCLIFFE, LLP'S OPPOSITION TO SUN MICROSYSTEMS, INC.'S *EX PARTE* APPLICATION TO SHORTEN TIME FOR HEARING ON SUN**

**MICROSYSTEMS, INC.'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS; AND**

**2. DECLARATION OF SCOTT R. LOVERNICK IN SUPPORT OF THIRD PARTY RESPONDENT ORRICK HERRINGTON & SUTCLIFFE, LLP'S OPPOSITION TO SUN MICROSYSTEMS, INC.'S *EX PARTE* APPLICATION TO SHORTEN TIME FOR HEARING ON SUN MICROSYSTEMS, INC.'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

on the below-named parties and/or counsel of record by the manner indicated:

Christine K. Corbett  
Carrie L. Williamson  
Mark Fowler  
Yakov M. Zolotorev  
DLA Piper US LLP  
2000 University Avenue  
East Palo Alto, CA 94303-2214  
Tel: 650/833-2000  
Fax: 650/833-2001

Attorneys for Sun Microsystems, Inc.  
(*Defendant and Counterclaimant*)

Jill Jane Ho  
Jeffrey G. Homrig  
Matthew Douglas Powers  
Edward Robert Reines  
Derek Walter  
Weil, Gotshal & Manges LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Tel: 650/802-3000  
Fax: 650/802-3100

Attorneys for Network-Appliance Inc.  
(*Counter-Defendant*)

**XXX Hand-Delivery, by consigning the above-referenced document(s), enclosed in a sealed envelope addressed as above and hand delivered.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and this declaration was executed on July 11, 2008, at San Francisco, California.

/s/  
Du'Ana K. McGee